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SENATE

{ REPORT  
No. 1964 }

## VITO RIZZI

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany S. 142]

The Committee on the Judiciary, to which was referred the bill (S. 142) for the relief of Vito Rizzi, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

### AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Vito Rizzi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Vito Rizzi. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

### STATEMENT OF FACTS

The beneficiary of the bill is a 49-year-old native and citizen of Italy. In 1932 he was convicted of fraudulently obtaining a reentry permit for himself and engaging in a conspiracy to obtain permits for other aliens. He was deported in 1934 and returned to the United States as a seaman in 1937. He is married to a native-born United States citizen and they have a 1-year-old child. Outside of

this one lapse there is no record of any other wrongdoing and he appears to have established himself in the building business in Washington, D. C., and is a well-regarded businessman.

A letter dated January 24, 1950, to the chairman of the Senate Committee on the Judiciary from the Assistant to the Attorney General with reference to S. 2722, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

JANUARY 24, 1950.

HON. PAT MCCARRAN,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in reply to your request for the views of the Department of Justice relative to the bill (S. 2722) for the relief of Vito Rizzi, an alien.

The bill would direct the Attorney General to suspend the deportation of Vito Rizzi for a period of 6 months from the date of its enactment.

The files of the Immigration and Naturalization Service of this Department disclose that Vito Rizzi was born on April 1, 1903, and is a native and citizen of Italy. In 1931 it was discovered that the alien had fraudulently obtained a re-entry permit by claiming the he had been admitted to the United States in 1920 for permanent residence, when in fact he had entered the United States as a deserting seaman and was therefore an unlawful resident. It was also discovered at the same time that Mr. Rizzi was implicated in a criminal conspiracy to obtain reentry permits for other aliens unlawfully residing in the United States. On the basis of this information, a warrant for arrest in deportation proceedings was issued against Mr. Rizzi, and further he was indicted, tried, and convicted on 13 charges of conspiracy to violate section 22 (a) of the Immigration Act of 1924, and a violation of section 23 of the act of June 29, 1909, for the crime of knowingly aiding, advising, and encouraging an alien not entitled thereto to secure naturalization. As a result of his conviction he was imprisoned in the Federal Penitentiary, Leavenworth, Kans. Upon parole on June 28, 1934, he was apprehended and deported to Italy under the outstanding deportation order.

Sometime in 1937, after one previous unsuccessful attempt, Mr. Rizzi succeeded in reentering the United States at an unknown port as a seaman, and thereupon deserted his ship. His presence in the United States was not discovered until 1940, at which time he was seized as a person whose presence in the United States was unlawful and he was again ordered deported. Several hearings were held as a result of the deportation order, at one of which the alien advanced the claim of citizenship by reason of his birth within the United States, but after extensive investigation of his claim no proof was adduced either by the alien or by the Immigration and Naturalization Service that would support his contention. Meanwhile the alien resorted to every delaying tactic known to postpone or avoid execution of the order for his deportation, and as recently as September 9, 1949, the Board of Immigration Appeals dismissed his appeal from an order denying his application for voluntary departure and preexamination in lieu of deportation.

On January 29, 1949, Mr. Rizzi entered into a marriage with a native-born citizen of the United States, and shortly thereafter filed a petition for special consideration under section 19 (c) of the Immigration Act of 1917. Relief was denied him, however, since the statute specifically provides that the benefits of section 19 (c) are not available to certain classes of persons, including those who have committed a crime involving moral turpitude.

Upon representations recently made by the alien that, in his business as a building contractor, he was presently engaged in the construction of nine residential buildings which were only partially completed, on October 19, 1949 he was granted a postponement of 90 days for execution of the outstanding warrant of deportation, to afford him an opportunity to close out his business affairs. He was further advised that the commencement of any new enterprises by him would be undertaken at his own risk, and that no consideration would be given to them in further delaying his deportation.

In view of the relief already granted this alien, the facts appearing in the record fail to present considerations sufficiently compelling to warrant any deviation from the usual administrative procedure in such cases.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PEYTON FORD,  
*The Assistant to the Attorney General.*

Senator William Langer, the author of the bill, has submitted the following information in support of the bill:

There is listed below the information requested regarding Mr. Vito Rizzi, for whom private bill S. 142 was introduced on January 8, 1951.

(1) The circumstances surrounding the entry of the person to the United States.

Mr. Rizzi entered the United States in 1937 on a reentry permit. It was later discovered that the permit which he had and used was defective. He has resided continuously in this country during the past 12 years, and has been employed in the building industry.

(2) The present activities of such person:

Mr. Rizzi is now in business for himself. He is engaged in building private dwellings here in Washington and in nearby Maryland. He has just completed 9 houses and has plans and undeveloped land for 10 more. He is a law-abiding man who has been successful in his occupation, and at the same time is contributing something to the welfare of the country, namely, helping to alleviate the housing shortage.

(3) How such person is presently earning a living, or whether dependent on some other person for support:

As indicated under item No. (2) above, Mr. Rizzi is self-employed, and therefore is not dependent upon anyone for support.

(4) Whether or not such person is engaged in any activities, political or otherwise, injurious to the American public interest:

He is not engaged in any other activity or avocation that is injurious to the public interest. The applicant started to work as a bricklayer in 1937, worked hard, and saved his money until he had sufficient funds to go in business for himself. He first began building houses for himself about 1941 and has continued in that business until the present time.

(5) Has such person been convicted of an offense under any Federal or State law, and if so, what offense?

Yes; he was convicted for conspiring to obtain false reentry permits. This occurred in 1932, and he served 2 years in Federal penitentiary. This took place 17 years ago, and all of the investigations reveal that since that time he has no police record, no traffic violations, and has not done anything that would reflect on his character.

I understand that a sizable ring of "reentry peddlers" operated in certain port cities a number of years ago, and apparently this man was caught in their net. It is obvious that he accepted one of the counterfeit reentry permits, used it, and then told another person how he could obtain a permit at a time when his command of the English language was very limited.

WASHINGTON, D. C., May 12, 1952.

HON. WILLIAM LANGER,  
Senate Office Building, Washington, D. C.

DEAR SENATOR LANGER: My husband, Vito Rizzi, has made application to become an American citizen, in whose behalf you have introduced a bill in the Senate.

I sincerely hope that my husband is granted the request introduced in the bill, especially since we have a child. If he is deported it will create a severe economical upset to me and my child. Also, it will cause a great injury to our morale.

Mr. Rizzi has proven himself to be a fine and faithful husband, a good and loving father, and an honest, hard worker. I am certain he will be a citizen in good standing.

Sincerely,

(Mrs.) PHILOMENA V. RIZZI.

R. ROBINSON, INC.,  
Washington, D. C., May 20, 1952.

Hon. WILLIAM LANGER,  
Senate Office Building, Washington, D. C.

DEAR SENATOR LANGER: I understand that Mr. Vito Rizzi has made application to become an American citizen and that you have introduced a bill in the Senate in his behalf.

I am not familiar with the details of his case or the legal steps involved in naturalization but I do know Mr. Rizzi and have had business dealings with him for a period of 7 years. During this period of time I have sold him large quantities of building materials which he has paid from time to time without complaint. I have known him personally for 7 years and have talked with him many times and he conducts his business in a commendable manner. His credit is good in the building business, he is a man of good character, high reputation, and morally straight.

I understand that he is married and has one child; it therefore gives me pride in recommending favorable action on this bill because I believe he has demonstrated by his long stay in this country that he will be a good citizen.

Very truly yours,

R. ROBINSON, INC.,  
JOSEPH H. DECKMAN, *President*.

WASHINGTON, D. C., May 23, 1952.

Re Mr. Vito Rizzi.

To Whom It May Concern:

Mr. Vito Rizzi has been known to me for a period of 5 years. Both in a business and social way, I have always found him honest, trustworthy, and dependable.

As a builder, he has been instrumental in developing several communities of attractive homes, thereby adding to the material and taxable wealth of said communities.

In my opinion, he will become a good loyal American and I heartily endorse his application to become a citizen.

J. S. BRITT, *Real Estate Broker*.

WASHINGTON, D. C., May 31, 1952.

Hon. WILLIAM LANGER,  
Senate Office Building, Washington, D. C.

DEAR SENATOR LANGER: Please accept my recommendation for Mr. Vito Rizzi's application for American citizenship.

For the past 15 years I have personally known Mr. Rizzi as a friend and a businessman of high integrity. Among our many friends he is regarded as a fine character.

I will be proud to know Mr. Rizzi as a citizen of our country.

Sincerely,

Mrs. ROSE POMPILI.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 142), as amended, should be enacted.